

- vi) adequate provision of emergency services,
and subject to determination by the Planning Board of the following:
- vii) Such use shall not be the primary use of the lot;
- viii) Such use shall be non-commercial in nature;
- ix) Deleted (3.6.04);
- x) Deleted (3.6.04);
- xi) Such use shall be compatible with existing neighborhood uses;
- xii) Such use complies with the spirit and letter of Section 3-1.

Nuisance Provision.

- xiii) No permanent buildings shall be permitted as part of such use, except for sheds to the extent necessary for storage of equipment for such use; and
- xiv) The Conservation Commission has determined, and the Planning Board agrees, that such use shall not: a) contribute to pollution of surface or ground water; b) damage or destroy habitats or reproductive areas for plants, fish, and wildlife of importance; c) eliminate, depreciate, or obstruct the commerce, recreation or aesthetic enjoyment of the public; d) be detrimental to adequate ground water levels; e) adversely affect stream channels and their ability to handle runoff of water; or f) disturb or reduce the natural ability of wetlands to absorb floodwaters and salt.

Uses involving motor-driven objects producing 60 or more decibels of sound at a range of ten feet as part of the sport or recreation are prohibited. Night lighting primarily for uses permitted under this section may be allowed by the Planning Board when more than 500 feet from any abutting lot line, but not between 9:00 p.m. and 7:30 a.m.

Section 4-13 Aquifer Conservation District 3-13-84

PURPOSE Pursuant to RSA 31:60 (674:16) and RSA 31:61A (674:21) and in order to help maintain the quality of living in the Town of Amherst as set forth in the Master Plan, the Town believes that an adequate water supply is indispensable to the health, welfare, and safety of its citizens. Such an adequate supply is also essential to the maintenance of the ecological balance of the natural environment of the Town, an environment which the Town wishes to protect. These water resources are subject to an ever increasing demand for new and competing uses. Thus, the Town declares and determines that such water resources whether occurring above or below ground constitute a precious, finite, and invaluable public resource. These resources should be protected, conserved, and managed in the interest of present and future generations. The intent of this ordinance is to provide for the protection of the water resources from contamination by polluting, hazardous, or toxic materials.

LOCATION The Aquifer Conservation District is identified as those areas designated by blue shading or crosshatching which appear on statewide mapping prepared by the U.S. Geological Survey entitled "Availability of Ground water in the Lower Merrimack River Basin, Southern New Hampshire" by John E. Cotton 1977, and as may be amended or superseded by the U.S.G.S. or by the Planning Board as provided herein from time to time. This map is on display in the Zoning Office of the Town of Amherst. The District shall include mapped primary and secondary recharge areas.

A. Permitted Uses

Any of the following uses, which may require a permit, that meet the purpose of the District outlined above which comply with all of the following requirements and conditions:

1. Industrial or commercial uses, in the Industrial and Commercial zones respectively, which discharge no hazardous, or toxic waste on site and which uses are non-polluting.
2. Residential uses.
3. Activities designed for conservation of soil, water, plants and wildlife.
4. Outdoor recreation activities except those which destroy the surfaces of hillsides, and other watershed areas.
5. Operation and maintenance of existing bodies of water, wells, dams or other conservation devices.
6. Forestry uses provided that the land is returned to its natural state in order to prevent loss of top soil, erosion, or alteration of the normal drainage patterns and flow. Agricultural uses where the land in question is planted with a cover crop when the use is terminated.
7. Amateur non-profit sports and recreation uses subject to obtaining Planning Board site approval which may provide at minimum for setbacks, buffers, sanitary facilities, parking and traffic impact. Uses involving motorized recreation vehicles are prohibited. Night lighting may be allowed by the Planning Board when more than 500 feet from any residential use but not after 9:00 p.m. 3-12-91

B. Prohibited Uses

The following uses are prohibited in this District:

1. Outdoor storage of road salt or other deicing chemicals and dumping of snow containing road salt or other deicing chemicals.
2. Solid Waste disposal sites.
3. Seepage disposal sites and lagoons.

4. Automotive repair shops, junkyards, automotive junkyards, and automotive salvage operations, as well as any similar use which might potentially affect water quality.
5. On-site storage of hazardous waste, or toxic materials, except temporarily as necessary in the ordinary course of business. A permit is required for such temporary storage.
6. Residential underground hazardous fuel storage tanks (3-14-89)
7. Filling Stations/Gas Stations 3-11-93

C. Special Conditions

The following conditions shall apply to all uses in this District:

1. Sanitary waste water discharge to septic and leaching systems shall conform to the regulations set forth in the Town of Amherst Water Pollution Control Regulations.
2. All liquid or solid waste other than normal septic effluent shall be temporarily stored on-site and disposed of in a manner determined by the Planning Board.
3. Monitoring wells shall be established for all industrial and commercial uses utilizing or storing hazardous or toxic materials. The number, construction, and location of these wells shall be determined by the Planning Board. These wells shall be checked for compliance with the Interim Primary Drinking Water Regulations and Secondary Drinking Water Regulations as provided for in the Safe Drinking Water Act of 1974. The checking of wells shall take place on a monthly basis and the results reported to the Board of Health.
4. Non-residential storage of petroleum products shall be above ground in a manner approved by the Fire Department unless Planning Board permission is obtained for subsurface storage. It shall be the responsibility of every applicant for such permit to demonstrate to the satisfaction of the Planning Board that subsurface storage can be accomplished in a manner which will not adversely affect the aquifer. Subsurface storage of such materials is permitted only with permission of the Planning Board and with such conditions specified to prevent the pollution of the aquifer. Permits issued by the Board of Selectmen shall be for a period of not more than fifteen (15) years, renewable upon application.
5. Use of pesticides, herbicides, fertilizers, manure and other potentially dangerous leachables shall be controlled in a manner determined by the Board of Health and in compliance with RSA 149D, 149D:7, 222 and the NH Code of Administrative Rules. Storage of these materials shall not be outdoors.
6. When an industrial or commercial use changes on a site within this district to a use which involves the use, storage, or disposal of hazardous or toxic materials, a non-residential site review shall be required.
7. No more than 70% of a lot should be rendered impervious.

8. Storm water drainage from Aquifer sites shall be collected into catch or settling basins before leaving the site.

D. Incorrectly Designated Zones

When the actual boundary of the Aquifer Conservation District is disputed, the Planning Board, at the complainant's expense and authorization, may engage a professional geologist or hydro geologist to determine the precise location of the Aquifer Conservation District boundaries in the properties affected. A report of his/her findings shall be submitted to the Planning Board and shall include but not be limited to the following:

1. A revised soils map of the area in question prepared by a soils scientist qualified in hydrologic studies along with a written report of his/her on-site field inspection and test boring data.
2. The Planning Board shall adjust the boundary of this district based on the evidence provided as set forth above. It shall reserve the right to withhold action on any plat pending the results of an on-site inspection by the Board or its appointed agent and shall act to approve or disapprove the plan within ninety (90) days of submission or such further time as deemed necessary, but not to exceed an additional ninety (90) days.

E. Administration

All existing industrial and commercial uses utilizing or storing hazardous or toxic materials which are located within the Aquifer Conservation District must be reviewed by the Planning Board within six (6) months of the enactment of this Ordinance and must be in compliance with the conditions of this ordinance by January 1, 1986.

F. Non-Conforming Uses

Non-conforming uses which exist at the time of adoption of this ordinance may continue unless that use is found by the Board of Selectmen in consultation with the Planning Board to be an imminent danger to the public health, safety, and welfare. In such cases, that use must be brought into conformance with this Ordinance in a timely fashion as determined by the Board of Selectmen or the Board of Health. 3-13-84

Section 4-14 _____

Section 4-15 Historic District (HD)

(Adopted 3-11-86; re-drafted 3-13-01)

Section I Historic Preservation